

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or Agent's file reference Insert reference here	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. Insert no. here	International filing date (<i>day/month/year</i>) Insert date here	Priority date (<i>day/month/year</i>) Insert date here
International Patent Classification (IPC) or national classification and IPC Insert IPC here		
Applicant Insert applicant here		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of # sheets including this title page.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Instruction 607 of Administrative Instructions of the PCT).</p> <p>These annexes consist of a total of # sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement according to Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand Insert date here	Date of completion of this report Insert date here
Name and mailing address of the IPEA  European Patent Office D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized officer: Insert name here Telephone No. Insert no. here 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/Insert no. here

I. Basis of the report

1. This report has been drawn up on the basis of the following elements *(the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report as they contain no amendments (Rules 70.16 and 70.17).):*

Description, pages:

Insert no. here as originally filed

Insert no. here received on Insert date here with the letter of Insert date here

1, 1a received on 02.12.2004 with the letter of 30.11.2004

Claims, No.:

Insert no. here received on Insert date here with the letter of Insert date here

Drawings, sheets:

Insert no. here as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language insert language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages: #
- ☒ the claims, Nos.: #
- ☐ the drawings, sheets: #

**INTERNATIONAL PRELIMINARY
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International application No. PCT/Insert no. here

5. ☐ This report has been written disregarding (some of) the amendments, which were considered as going beyond the description of the invention, as filed, as is indicated below (Rule 70.2(c)):

(All replacement sheets comprising amendments of this nature should be indicated in point 1 and attached to this report).

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	Insert text here
	No:	Claims	Insert text here
Inventive Step (IS)	Yes:	Claims	Insert text here
	No:	Claims	Insert text here
Industrial Applicability (IA)	Yes:	Claims	Insert text here
	No:	Claims	Insert text here

2. Citations and explanations

Insert text here

Re Item V

Justified finding with regard to novelty, inventive step and industrial applicability; documents and statements to support this finding

1. Reference is made to the following documents:

D2: WO0184741 Matsushita August 11, 2001
2. The application relates to a method (claim 1) and to an apparatus (claim 3) for transmission power adjustment for a mobile communication appliance.
3. A method such as this and an apparatus such as this are disclosed in the document D2.
4. As stated in the following text, some of the features of the apparatus of claim 3 relate to a method for use of the apparatus, and not to the definition of the apparatus on the basis of its technical features. The intended restrictions are thus not clearly evident from the claim, in contravention of the requirement of Article 6 PCT.

The following features relate to a method for use of the apparatus:
the device for power adjustment is controlled in such a way that the RF power which is applied to the RF connector is essentially independent of the frequency of an input signal to the power amplifier, and the device for power adjustment is controlled in such a way that, when using the internal antenna, the power adjustment is carried out in such a way that the power emitted from the mobile communication terminal is essentially independent of the frequency of an input signal to the power amplifier.

These features have been ignored for the assessment of inventive step (following paragraph).

5. The present application does not comply with the requirements of Article 33(1)PCT, because the subject matter of claims 3, 4 is not based on any inventive step in the sense of Article 33(3).
- 5.1 The document D2 (**page 6, paragraph 2 to page 7, paragraph 1**) is regarded as the closest prior art to the subject matter of claim 3. Its disclosure is as follows:

Mobile communication terminal having a power amplifier whose output signal amplitude depends on the frequency of an input signal to the power amplifier, and having a device for power adjustment for the output power of a communication terminal in at least one standard mobile radio frequency band, with the device for power adjustment being designed to adjust the output power for two or more frequency intervals of the at least one standard mobile radio frequency band, in such a way that the output power is essentially

independent of the frequency of an input signal to the power amplifier, wherein,

The subject matter of claim 1 thus differs from the known communication terminal by:

- A the presence of an RF connector, an internal antenna and a connection for an external antenna;
- B an antenna detector, which determines whether the internal or the external antenna is being used;

Point A

The presence of an RF connector, of an internal antenna and of a connection for an external antenna to a mobile communication terminal is known to those skilled in the art and cannot be regarded as being inventive.

Point B

The capability of the communication terminal to determine whether the internal or the external antenna is being used does not solve any problem.

The subject matter of claim 3 is therefore not regarded as being inventive.

- 5.2 The dependent claim 4 contains no features which, in combination with the features of any other claim to which it relates, satisfy the requirements of the PCT with regard to novelty or inventive step, see the document D2.
- 6. The major difference between the subject matter of claim 1 and the document D2 is that it is possible to determine whether an internal or an external antenna is being used. If the internal antenna is being used, adjustment is carried out such that the emitted power is essentially independent of the frequency. If the external antenna is being used, adjustment is carried out such that the power at the RF connector is essentially independent of the frequency.

The subject matter of claim 1 is thus novel (Article 33(2)PCT).

- 7. The object which is achieved by these novel features can thus be regarded as being that the emitted power is thus as independent as possible of the frequency, irrespective of which antenna is being used.
- 8. The combination of the novel features of claim 1 is thus known neither from the documents cited in the examination report nor, from the document cited above, from general technical knowledge either, and is thus not obvious to those skilled in the art.

For this reason, the subject matter of claim 1 likewise satisfies the requirements of Article 33(3)PCT with regard to inventive step.

- 9. The independent claim 1 comprises features of the originally submitted claims 1, 3, 4 and 6 so that the requirements of Articles 19(2) and 34(2)(b)PCT are satisfied.